

## LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

### Planning/Zoning, Land Design & Development Meeting

Tuesday, October 27, 2009

2:07 P.M.

Third Floor, City Hall

**Present:**  
**Chair:** CM Owen  
**Vice Chair:** CM Stuckel  
**Members:** CM Ward-Pugh, CM Heiner, CM Flood, and CM Jon Ackerson

**Absent:** CM Hamilton (Excused)

Chairman Owen began the meeting by introducing the members and non-members of the committee that were present. A quorum was established.

### Pending Legislation

[O-189-10-09 AN ORDINANCE CLOSING VALLEY FARMS COURT, A CUL-DE-SAC LOCATED IN THE VALLEY FARMS SUBDIVISION RECORDED AT SUBDIVISION BOOK 50, PAGE 68 IN THE OFFICE OF THE CLERK OF JEFFERSON COUNTY, KENTUCKY, FROM ITS INTERSECTION WITH VALLEY FARMS BOULEVARD, RUNNING SOUTHEASTERLY TO ITS END, CONTAINING 10,137.72 SQUARE FEET, AND BEING IN LOUISVILLE METRO \(CASE NO. 12713\).](#)

**Status:** In-Committee  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

Motion to Approve made by Tina Ward-Pugh and seconded by Madonna Flood,

**Discussion:** Dawn Warrick, DPDS, spoke to the item. This was on the Planning Commission Consent Agenda on October 1, 2009. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Hawkin's District. A power point presentation was given. The following were items of discussion and concern:

- Engaged with possible new tenant/developer for senior citizen assisted living facility
- Respective Agencies have no problems with this closing
- 100% adjoining property owners are in agreement
- Notification was done properly

Chairman Owen asked that a discussion of definitions such as a right-of-way verses easement and the notification process be discussed at a meeting with a light agenda.

Jon Ackerson stated he had asked at a former Committee Meeting for a memo to be sent to him regarding what authority the Council has to make changes. Theresa Senninger stated an E-Mail had already been sent to him regarding that matter.

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Tom Owen, Glen Stuckel, Tina Ward-Pugh, Madonna Flood, Jon Ackerson

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton

[O-191-10-09 AN ORDINANCE CLOSING AN UNIMPROVED SECTION OF DUMESNIL STREET, A 60-FOOT RIGHT-OF-WAY, FROM ITS EAST INTERSECTION WITH 15TH STREET, 323 FEET SOUTH OF OAK STREET, RUNNING 348.52 FEET EAST TO THE P&L RAILROAD RIGHT-OF-WAY WITHIN UNIMPROVED 14TH STREET, AND BEING IN LOUISVILLE METRO \(CASE NO. 12296\).](#)

**Status:** In-Committee  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

Motion to approve made by and seconded by,

**Discussion:** Dawn Warrick, DPDS, spoke to the item. This was on the Planning Commission Consent Agenda on October 1, 2009. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Unseld's District. A power point presentation was given. The following were items of discussion and concern:

- Recommendation came from Public Works
- Will be split between both property owners
- Applicant stated closed driveway will be incorporated into a development plan containing the same usages
- Offsite parking
- 100% adjoining property owners are in agreement

This item was sent to the **Consent Calendar** with the understanding that GIS will check the dimensions to make sure they are correct.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Tom Owen, Glen Stuckel, Tina Ward-Pugh, Madonna Flood, Jon Ackerson

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton

[R-101-06-09 A RESOLUTION DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION TO THE COUNCIL ON AN AMENDMENT TO SECTION 4.4.1 OF THE LAND DEVELOPMENT CODE CONCERNING PORTABLE STORAGE DEVICES.](#)

**Status:** In Committee - Tabled  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** James Peden

Motion to approve made by Glen Stuckel and seconded by Tina Ward-Pugh.

**Discussion:** Theresa Senninger, Assistant County Attorney spoke to the item. The following was discussed:

- Striking 4.4.1 removing the Language out of Land Development Code
- Will later have an ordinance putting language regarding portable storage devices in the Property Maintenance Code
- Will make enforcement easier if it is in the Property Maintenance Code
- Regulate instead of restrict the use of the devices
- There is a State Statute that requires the Council to direct the Planning Commission to hold a public hearing regarding this matter
  - The Process
    - Instruct the Planning Commission to hold a public hearing
    - Planning Commission will hold the hearing and make recommendation to the Council
    - Council can start the process to put this in the Property Maintenance Code
- Ordinance to put in the Property Maintenance code can be held in Committee so both can go through at the same time so there will be no time lapse
- Planning Commission will send this to all cities that have zoning authority but they do not have to put this in their Land Development Code.
- Enforcement will be the responsibility of Metro for the entire Louisville Metro Area
- Clear benefit is from an enforcement standpoint
- Code Enforcement Board can speed up the process

Motion to Amend by Substitution made by Hal Heiner and seconded by Tina-Ward-Pugh. Amendment by Substitution attached at the end of these minutes.

The Amendment passed.

By voice vote, this item as amended was sent to **Old Business**.

[R-192-09-09 A RESOLUTION REQUESTING THE LOUISVILLE METRO PLANNING COMMISSION TO HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION ON A PROPOSED AMENDMENT TO SECTION 2.4.3.D.2 OF THE LAND DEVELOPMENT CODE REGARDING PERMITTED DENSITY OF RESIDENTIAL DEVELOPMENT IN THE C-1, COMMERCIAL ZONING DISTRICT.](#)

**Status:** In Committee - Held  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** James Peden  
Rick Blackwell

Motion to approve made by Tina Ward-Pugh and seconded by Glen Stuckel.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. The following was discussed:

- Before Plan Certain (1976) the zoning code allowed building without a Plan Certain such as Residential in a C-1 because Residential is permitted in a C-1 Zone
- If the use is permitted in that zone, it is ok to do that
- Regulatory controls
- Development Plan expirations
- Properties zoned after 1976 has different steps to get a change
- Changes can occur without a zoning change
- Density restrictions
- Asking that residential use cannot be a usage in C-1 zoning
- Will have many non conforming lots if this is changed
  - Can maintain the property but will limit the potential for expansion and will eventually get phased out

Motion to Table made by CM Ackerson. CM Ackerson withdrew his motion to table so further comments could be made.

Further discussion included the following:

- May cause a lot of hardship by having non conforming properties with this change
- Hard to respond to policies if the tools are taken away
- Make sure uses are not hindered
- Get information from other Departments regarding how they will be affected by this change

Motion to Table made by Jon Ackerson and seconded by Hal Heiner.

This item was **Tabled**,

[O-176-10-09 AN ORDINANCE AMENDING THE PROVISIONS OF CHAPTER 153 OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES \(LMCO\) RELATING TO THE TIME AND LOCATION OF PLANNING COMMISSION AND BOARD OF ZONING ADJUSTMENT HEARINGS.](#)

**Status:** In Committee - Held  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** James Peden

**Discussion:** This item Remained **Held**.

Without objection, the meeting adjourned at 3:12 P.M.

**\*NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on November 5, 2009.**

**KQG**

RESOLUTION NO. \_\_\_\_\_, SERIES 2009

**A RESOLUTION DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION TO THE COUNCIL ON AN AMENDMENT TO SECTION 4.4.1 OF THE LAND DEVELOPMENT CODE CONCERNING PORTABLE STORAGE DEVICES (AMENDED BY SUBSTITUTION).**

**SPONSORED BY: Councilman James Peden**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the Council) is aware that the language of the Land Development Code regulates the time frame in which portable storage devices may be kept on residentially-zoned or residentially-used property, and

**WHEREAS**, the language of the Land Development Code currently allows such devices to be in place until the later of 30 days or 7 days beyond the final inspection related to a permitted renovation or alteration activity, and

**WHEREAS**, the Council wishes to regulate the use of portable storage devices with regulations that exist outside the Land Development Code, and,

**WHEREAS**, the Council wishes to delete the regulations concerning portable storage devices from the Land Development Code so that regulations governing the use of such devices can be included in Chapter 156 of the Louisville Metro Code of Ordinances, which contains the Property Maintenance Code,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: **The Council hereby requests that the Planning Commission hold a public hearing and forward a recommendation to the Council on the following amendment to Section 4.4.1 of the Land Development Code:**

**~~4.4.11 Portable Storage Devices~~**

**~~Portable storage devices (or containers) shall be allowed on residentially zoned or used property for a period of time not exceeding 30 days or 7 days beyond the final inspection related to a permitted renovation or alteration activity, whichever is longer.~~**

SECTION II: **This Resolution shall be effective on passage and approval.**

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Kathleen J. Herron  
Metro Council Clerk

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David W. Tandy  
President of the Council

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Jerry Abramson  
Mayor

Approved: \_\_\_\_\_  
Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_